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RANDELL PARKER  
CHAPTER 7 TRUSTEE  
3820 Herring Road  
Arvin, CA 93203  
(661)854-1503

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In the Matter of:

Case No. 11-13487-B  
Chapter 7

RP-1

**Tom Luke Loyd**

**Marianne Loyd**

Debtor(s)

Date: July 14, 2011  
Time: 10:00 a.m.  
Place: United States Bankruptcy Court  
1300 18<sup>th</sup> Street, Suite A  
Bakersfield, CA  
/ Judge: Honorable W. Richard Lee

MOTION FOR ORDER AUTHORIZING TRUSTEE TO SELL PERSONAL PROPERTY AT  
PUBLIC AUCTION

Randell Parker, Chapter 7 Trustee moves this court for an Order Authorizing Trustee to  
Sell Personal Property at Public Auction and represents as follows:

1. Tom Luke Loy and Marianne Loyd ("Debtors") filed a Voluntary Petition Under  
Chapter 7 on March 28, 2011. Randell Parker is the duly qualified, appointed and acting trustee  
in the case filed by Debtors.

2. The assets of the estate include, but are not limited to a '94 Harley Davidson Nostalgia  
and a '94 Harley Davidson Fat Boy. According to the Schedules of Assets and Liabilities filed  
by Debtors, the Personal Property is owned free and clear of liens.

3. The Trustee seeks authority to sell the Personal Property at a public auction on or  
about July 30, 2011, at 10:00 a.m., under 11 U.S. C. § 363(b)(1). The court has jurisdiction under  
28 U.S.C. § 1334 and 11 U.S.C. § 363. This is a core matter under 28 U.S.C. § 157(b)(2)(A) and

1 (N). The Trustee believes that selling the Personal Property at public auction will yield the best  
2 price obtainable for the Personal Property under the circumstances of the Chapter 7 case filed by  
3 Debtors.

4 4. The Personal Property is currently located at the auction site, Gould Auction and  
5 Appraisal Company, 1731 Art Street, Bakersfield, CA.  
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7 5. In order to expedite the sale of the Personal Property the Trustee entered into an  
8 agreement with Jerry Gould of Gould Auction and Appraisal Company, to advertise and manage  
9 the auction ("Auctioneer").  
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11 6. According to the agreement between the Trustee and Auctioneer, the fees for  
12 professional services rendered by Gould Auction & Appraisal Company are as follows:

- 13 a. Auctioneer is to receive a commission of 15% (fifteen percent) on the gross  
14 proceeds from the sale of the personal property.
- 15 b. Buyer will be charged a \$50.00 fee to cover Department of Motor Vehicle transfer  
16 of title expense. The fee will be paid directly to the Auctioneer.
- 17 c. Auctioneer's commission will be noticed in the Notice of Hearing on Motion for  
18 Order Authorizing Trustee to Sell Personal Property at Public Auction and  
19 creditors will be given the opportunity to object to said commission. If no  
20 objections are presented, the auctioneer will be paid by the Trustee from the  
21 proceeds of said auction within ten days of receipt of funds from the auctioneer.  
22
- 23 d. Auctioneer will be paid \$100.00 for hauling and storage of the Vehicles, however  
24 Auctioneer will bear the cost of all other ordinary expenses including, but not  
25 limited to, security, advertising, and other costs of sale. Auctioneer will be  
26 reimbursed for any extraordinary expenses, such as repair work deemed by the  
27 Trustee to be necessary and beneficial to the estate, in an amount not to exceed  
28  
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\$200.00. Auctioneer will be reimbursed for any extraordinary expenses in excess of \$200.00 only after approval of the Court.

e. Auctioneer will be responsible for collecting and paying all sales tax in relation to this auction.

f. The Trustee has reviewed the \$100,000.00 bond provided by the Auctioneer.

7. The Trustee believes that the sale of the Personal Property at a public auction is in the best interest of all parties concerned because (a) it allows the Personal Property to be shown to a wide variety of potential buyers, and (b) it allows the estate to find a buyer and complete the sale in a short period of time.

8. The details of the compensation of the Auctioneer will be subject to the terms and conditions set forth in the *Application for Order Authorizing Employment of Auctioneer to Conduct Public Auction*.

WHEREFORE, the Trustee prays that:

1. The *Motion for Order Authorizing Trustee to Sell Personal Property at Public Auction*  
filed by Randell Parker, Chapter 7 Trustee be granted;

2. He be authorized to sell the Personal Property at public auction pursuant to the terms and conditions set forth in the *Application for Order Authorizing Employment of Auctioneer to Conduct Public Auction*;

3. He be authorized to pay Gould Auction and Appraisal Company from the proceeds received from the auction sale; and

4. He be given such other relief as the Court deems just and proper.

**DATED: June 2, 2011**

/s/ Randell Parker  
Randell Parker, Chapter 7 Trustee